

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
TRUSTEES OF THE NEW YORK CITY :
DISTRICT COUNCIL OF CARPENTERS :
PENSION FUND, WELFARE FUND, :
ANNUITY FUND, and APPRENTICESHIP, : 22-CV-6467 (VSB) (SLC)
JOURNEYMAN RETRAINING, :
EDUCATIONAL AND INDUSTRY FUND, : **ORDER**
TRUSTEES OF THE NEW YORK CITY :
CARPENTERS RELIEF AND CHARITY :
FUND, THE CARPENTER CONTRACTOR :
ALLIANCE OF METROPOLITAN NEW :
YORK f/k/a THE NEW YORK CITY AND :
VICINITY CARPENTERS LABOR :
MANAGEMENT CORPORATION, and the :
NEW YORK CITY DISTRICT COUNCIL OF :
CARPENTERS, :
:
Petitioners, :
:
- against - :
:
:
M & RR CONSTRUCTION CORP., :
:
Respondent. :
:
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Appearances:

Maura S. Moosnick
Charles R. Virginia
Virginia & Ambinder LLP
New York, New York
Counsel for Petitioners

VERNON S. BRODERICK, United States District Judge:

On July 29, 2022, Petitioners¹ filed this action to confirm a May 24, 2022 arbitration award entered in their favor (the “Award”) against Respondent M & RR Construction Corp.

¹ Petitioners are: (1) Trustees of the New York City District Council of Carpenters Pension Fund, Welfare Fund,

(“Respondent”), pursuant to Section 301 of the Labor Management Relations Act of 1947 (“LMRA”), as amended, 29 U.S.C. § 185. (Doc. 1 (the “Petition”)). In addition to seeking confirmation of the Award, Petitioners also seek pre- and post-judgment interest on the Award and attorneys’ fees and costs. (*Id.* at 8 ¶¶ 5–6.) Respondent has not opposed the Petition nor otherwise appeared in this action. On August 2, 2022, I referred this case to Magistrate Judge Sarah L. Cave for a report and recommendation. (Doc. 7.)

On November 17, 2022, Magistrate Judge Cave issued a thorough 19-page Report and Recommendation recommending that “(i) the Petition be granted; (ii) the Award be confirmed; (iii) judgment in favor of Petitioners be entered in the amount of \$3,145.00, consisting of the Award amount of \$2,900.00, plus \$168.00 in attorneys’ fees and \$77.00 in costs; (iv) Petitioners be awarded pre-judgment interest; and (v) Petitioners be awarded post-judgment interest in accordance with 28 U.S.C. § 1961.” (Doc. 16 at 18.) Neither party filed any objections to the Report and Recommendation.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Although the Report and Recommendation explicitly provided that “[t]he parties shall have fourteen days . . . from service of this Report and Recommendation to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil

Annuity Fund, and Apprenticeship, Journeyman Retraining, Educational and Industry Fund (“ERISA Funds”); (2) Trustees of the New York City Carpenters Relief and Charity Fund (“Charity Fund”); (3) the Carpenter Contractor Alliance of Metropolitan New York (“CCA Metro”; together with the ERISA Funds and the Charity Fund, the “Funds”); and (4) the New York City District Council of Carpenters (the “Union”).

Procedure” and “[the] failure to object within fourteen days will result in a waiver of [those] objections and will preclude appellate review,” (Doc. 16 at 19), neither party filed an objection or requested additional time to do so.

I have reviewed Magistrate Judge Cave’s detailed and well-reasoned Report and Recommendation for clear error and, after careful review, find none. I therefore ADOPT the Report and Recommendation in its entirety.

The Clerk’s Office is respectfully directed to terminate any open motions, to enter judgment in accordance with this Order, and to close this case.

SO ORDERED.

Dated: September 13, 2023
New York, New York

A handwritten signature in black ink, reading "Vernon S. Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, stylized "V". The last name "Broderick" is written with a large, stylized "B". The signature is written over a horizontal line.

Vernon S. Broderick
United States District Judge